

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

RICARDO CEPATES,

Petitioner,

v.

STEPHEN D'ILIO and THE  
ATTORNEY GENERAL OF THE  
STATE OF NEW JERSEY,

Respondents.

Case No. 14cv7649 (EP)

**MEMORANDUM ORDER**

**PADIN, District Judge.**

*Pro se* Petitioner Ricardo Cepates, a prisoner at New Jersey State Prison (“NJSP”), seeks a writ of habeas corpus under 28 U.S.C. § 2254 vacating his state court conviction. D.E. 3 (“Pet.”). Respondents Stephen D’Ilio (NJSP’s Administrator) and the Attorney General of the State of New Jersey oppose the petition. D.E. 8 (“Opp’n”).

On May 16, 2023, Cepates sought an extension of time to submit his reply to Respondents’ opposition due to difficulties in reviewing the papers. D.E. 25. On May 31, 2023, the Court granted Cepates a 30-day extension. D.E. 26. On June 6, 2023, Cepates submitted his reply papers in the form of a Motion to Submit Sur-Reply Nunc Pro Tunc. D.E. 27 (“Mot.”).

Cepates asks the Court to accept his papers *nunc pro tunc*. *Id.* *Nunc pro tunc*, Latin for “now for then,” is “[a] doctrine that permits a court to change records so that they show what actually happened.” *Nunc Pro Tunc*, Practical Law Glossary Item 3-508-1909 (West). It is unnecessary to allow Cepates to file his reply *nunc pro tunc* because he filed it within the 30-day


period granted to him by the Court on May 31, 2023. The Court will **DISMISS** the motion as **MOOT** because Cepates' reply papers are timely.

**IT IS**, on this 28th day of August, 2023;

**ORDERED** that the Motion to Submit Sur-Reply Nunc Pro Tunc, D.E. 27, is **DISMISSED AS MOOT**; and it is finally

**ORDERED** that the Clerk of the Court shall send a copy of this Order to Petitioner by regular mail.

Dated: August 28, 2023

  
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Evelyn Padin, U.S.D.J.